

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

JOLYNDA COWHER,

Plaintiff,

v.

CV 120-178

UNITED STATES OF AMERICA; DR.
NANCY JANE BATTEN, DR. REBECCA
JUMP, DR. BRIAN APPLE, and DR.
LORRAINE BRASWELL, in their
official capacities as
employees of the Veterans
Administration, Department of
Veterans Affairs,

Defendants.

O R D E R

Before the Court is Defendants' unopposed Motion to Substitute Party Defendants. (Doc. 6.) Defendants move to substitute the United States for Drs. Batten, Jump, Apple, and Braswell (the "Doctor Defendants"). For the following reasons, the motion is granted.

Plaintiff is suing the Doctor Defendants in their capacities as employees of the United States, and therefore the Federal Tort Claims Act applies. See 28 U.S.C. § 1346(b)(1). The United States Attorney General has certified¹ that the Doctor Defendants were at

¹ The United States Attorney is authorized to make such certifications per 28 C.F.R. § 15.4(b).

all times relevant to this case acting in the scope of their employment with the United States. (Certification, Doc. 6-1); see 28 U.S.C. § 2679(d)(1) (requiring substitution of United States in place of individual defendants when Attorney General certifies that a defendant was acting within his or her scope of employment for the government at the time of the incident giving rise to the suit). Moreover, the Court has thoroughly reviewed the Complaint and other pleadings in this matter and concludes that the United States of America is the only proper defendant for the claims asserted against the Doctor Defendants in this lawsuit.

Upon the foregoing, **IT IS HEREBY ORDERED** that the United States of America is properly substituted as the sole defendant in this case. Therefore, Plaintiff's claims against the Doctor Defendants are dismissed, and the Clerk is directed to **TERMINATE** Defendants Batten, Jump, Apple, and Braswell as parties. The parties shall henceforth caption the case accordingly.

ORDER ENTERED at Augusta, Georgia this 5th day of February, 2021.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA